

United States District Court  
for the  
Southern District of New York  
Related Case Statement

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Full Caption of Later Filed Case:

THE PEOPLE OF THE STATE OF NEW  
YORK, by LETITIA JAMES, Attorney  
General of the State of New York,

Plaintiff

Case Number

vs.

1:22-cv-06124

ARM OR ALLY, LLC; BLACKHAWK MANUFACTURING GROUP, INC.,  
A/K/A 80 PERCENT ARMS, INC. OR 80 PERCENT ARMS; SALVO  
TECHNOLOGIES, INC., A/K/A 80P BUILDER OR 80P FREEDOM CO.;  
BROWNELLS, INC., A/K/A BROWNELLS OR BOB BROWNELL'S; GS  
PERFORMANCE, LLC, A/K/A GLOCKSTORE OR GSPC; INDIE GUNS,  
LLC; KM TACTICAL; PRIMARY ARMS, LLC; RAINIER ARMS, LLC;  
AND ROCK SLIDE USA, LLC,

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

THE CITY OF NEW YORK

Plaintiff

Case Number

vs.

1:22-cv-05525 (Hon. Jesse M. Furman)

ARM OR ALLY LLC, RAINIER ARMS,  
LLC, SALVO TECHNOLOGIES, INC. d/b/a  
"80P BUILDER," ROCK SLIDE USA, LLC,  
and INDIE GUNS LLC,

Defendant

## Status of Earlier Filed Case:

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Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

The City of New York filed its Complaint (ECF No. 1) and a Motion for a Preliminary Injunction (ECF Nos. 4-9) on June 29, 2022. The Court held a hearing on July 13, 2022 and ordered Plaintiff to amend its Complaint "to allege the citizenship of each constituent person or entity comprising the Defendant LLCs" (ECF No. 21).

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Both the City of New York's ("City") earlier-filed suit and the Attorney General's present suit involve allegations that defendants' alleged conduct, including advertising, manufacturing, selling, and shipping of unfinished frames and receivers into New York State, violated state and federal law. The City's case is brought against a subset of the defendants that the Attorney General's suit is brought against, but the alleged conduct for the same defendants overlaps in large part.

Both suits assert a claim under New York General Business Law § 898-b that defendants' conduct created, maintained, or contributed to a public nuisance in New York. The substantial federal issue of whether defendants' products qualified as "firearms" under federal law will be a significant, contested issue in each case. Furthermore, the constitutionality of New York General Business Law § 898 will be contested in both cases, including whether it violates the dormant Commerce Clause, the Second Amendment, and whether it is void for vagueness. Ensuring that both cases are heard before the same judge will promote efficiency, the coordination of discovery, and the uniformity of outcomes concerning similar or identical issues in both cases.

Signature: /s/David H. Thompson Date: July 19, 2022

Cooper & Kirk, PLLC

Firm: \_\_\_\_\_